

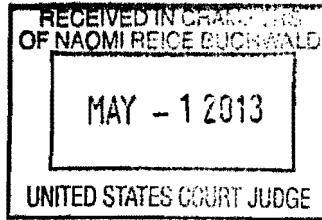
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May 1, 2013

VIA FACSIMILE

Honorable Naomi Reice Buchwald, U.S.D.J.
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



Re: **In re: LIBOR-Based Financial Instruments
Antitrust Litigation
Civil Action No. 11-md-2262 (NRB)**

**33-35 Green Pond Road Associates, LLC v.
Bank of America Corporation, et al.
Civil Action No. 12-cv-5822 (NRB)**

Dear Judge Buchwald:

We represent the plaintiff 33-35 Green Pond Road Associates, LLC ("Green Pond") and putative class in the above-referenced matters. We write to request a pre-motion conference to discuss our filing of a motion for appointment as lead interim counsel pursuant to Federal Rule of Civil Procedure 23(g)(3).

We represent a class defined as:

All persons or entities other than Defendants and their employees, affiliates, parents, subsidiaries or co-conspirators (whether or not named in this Complaint) who purchased U.S. dollar LIBOR-Based Derivatives from the following non-Defendant commercial banks and insurance companies in the United States (Wells Fargo & Company; Goldman Sachs Group, Inc.; Morgan Stanley; Metlife, Inc.; U.S. Bancorp; The PNC Financial Services Group, Inc.; The Bank of New York Mellon Corporation; Capital One Financial Corporation; Ally Financial Inc.; Suntrust Banks, Inc.; BB&T Corporation; TD Bank US Holding Company; State Street Corporation; Citizens Financial Group, Inc.; American Express



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Company; Regions Financial Corporation; Fifth Third Bancorp; Keycorp Cleveland; Unionbanca Corporation; Northern Trust Corporation; Bancwest Corporation; M&T Bank Corporation; Harris Financial Corp.; and BBVA USA Bancshares, Inc. as well as any of their subsidiaries or affiliates) based directly on the rates set by Defendants, from at least as early as August 1, 2007 through such time as the effects of Defendants' illegal conduct ceased.

Although we acknowledge that this Court's disposition on the motion to dismiss as against the City of Baltimore likely applies to the instant action, we believe it best to move this case forward for organizational purposes, which will benefit the appeal to the Second Circuit and conduct here, should there be a reversal.

Indeed, the Green Pond action has not been dismissed and is, in fact, live. This Court's stay order automatically dissolved when the motion to dismiss was resolved by this Court on March 29, 2013. *See* Docket Entry 205 ("The stay will remain in place until the pending motion to dismiss is resolved") (footnote omitted). Accordingly, we respectfully request the opportunity to brief a lead interim counsel motion so that this matter may proceed in an orderly fashion.

We thank this Court for its kind and continued attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph J. DePalma".

Joseph J. DePalma

cc: All counsel of record (*via email only*)